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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION**Docket Number (Optional)  
SMQ-117/P6141

In re Application of: Julian S TAYLOR

Application No. 09/851923-Conf. #3713

Filed: May 9, 2001

For METHOD, SYSTEM, PROGRAM, AND DATA STRUCTURES FOR APPLYING A PATCH TO A COMPUTER SYSTEM

The owner: SUN MICROSYSTEMS, INC

of 100

percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/852,113 filed on May 9, 2001, or any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

John S. Curran 09/02/2004  
Signature Date  
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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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Dated: September 2, 2004

Signature John S. Curran (John S. Curran)